THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10054 of 2007

Dated:03.07.2007

Between:

Saddi Santoshamma, W/o.Late Jangaiah, and others.

…Petitioners

and

The Deputy Collector/Tahasildar, Saroornagar Mandal, Ranga Reddy District.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10054 of 2007

ORDER:

The petitioners, who are ten in number, filed the instant Writ Petition seeking a writ of mandamus directing the respondent not to interfere with their peaceful possession to an extent of Acs.42.28 guntas of land in Survey No.240/1 situated at Mamidipalli Village of Saroornagar Mandal in Ranga Reddy District, without due process of law.

It is the case of the petitioners that they have been in occupation of subject land, which is classified as "Gairan" in the revenue records. They also allege that in the pahanies from 1961-1962 it is mentioned that the subject land is under cultivation of Harijans or the petitioners' family members. It is alleged that on 05.04.2007 the Officials from the respondent's Office visited the Village and informed that the petitioners would be evicted forcibly. Therefore, they filed the present Writ Petition.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General-T) obtained instructions. He submits that the petitioners are not in possession of the property. He further states that on 24.05.2007 the Village Revenue Officer, Mamidipally, gave a complaint that some persons of Mamidipally Village trespassed into the Government land in Survey No.240, and therefore, a complaint was lodged in Crime No.211 of 2007 with P.S.Pahadishareef, and that investigation is pending.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader. The pahanies produced by the petitioners mention the names of third parties, who are allegedly related to the petitioners. It is a matter, which requires enquiry before the appropriate forum. Admittedly, it is a Government land, which came under the possession of the petitioners' families long ago. The evidence, however, is not coming forth. Further, as submitted by the learned Assistant Government Pleader, Crime No.211 of 2007 for trespass has already been lodged in the Police Station, and therefore, if any order is passed in this

background, it would certainly cause prejudice to the interest of the Government. The petitioners may approach the civil Court and seek appropriate remedy.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

03.07.2007
vs